

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

RANDY COOPER,

Plaintiff,

v.

Case No. 2:09-cv-00168

JIM RUBENSTEIN, Commissioner,
West Virginia Division of Corrections,
DAVID BALLARD, Warden, Mount Olive
Correctional Complex, and
MAJOR ROBERT RHODES, Correctional Officer,
Mount Olive Correctional Complex,

Defendant.

RULE 24 ORDER

Plaintiff, Randy Cooper, has filed a Notice of Appeal of the court's March 10, 2009, order denying his Motion for Leave to Proceed in forma pauperis (# 3) and his Application to Proceed in forma pauperis (# 1) and ordering Plaintiff to pay the filing fee in full by April 10, 2009.

Because of numerous frivolous filings, Plaintiff has been previously enjoined by this United States District Court from filing any additional actions without first paying the required filing fee in full, or seeking and obtaining leave from the District Court to file in forma pauperis, upon a finding that Plaintiff is under imminent danger of serious physical injury.

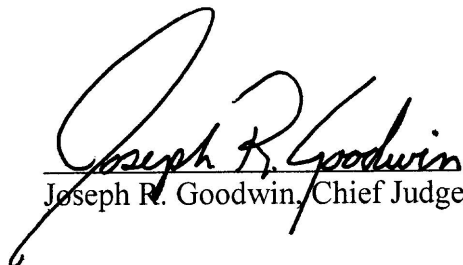
On March 10, 2009, upon review of the proposed Complaint submitted by Plaintiff, the undersigned found that Plaintiff had not made a sufficient showing that he is under imminent danger of

serious physical harm, and denied Plaintiff's Motion for Leave to Proceed in forma pauperis (docket # 4) and his Application to Proceed Without Prepayment of Fees (# 1). Plaintiff was further ordered to pay the \$350 filing fee, in full, within 30 days of the entry of that Order, and was notified that the failure to pay the filing fee in full would result in the dismissal of the Complaint.

Plaintiff did not pay the filing fee by April 10, 2009, and a Judgment Order dismissing Civil Action No. 2:08-cv-00168 has been entered. Plaintiff offers nothing in support of his "Notice of Appeal." For these reasons, the court has also denied Plaintiff permission to proceed in forma pauperis on appeal.

The Clerk is directed to mail a copy of this Order to Plaintiff.

ENTER: April 15, 2009


Joseph R. Goodwin, Chief Judge